

So Ordered.



A handwritten signature in black ink, appearing to read "Z. Holt".

Dated: August 24th, 2021

Whitman L. Holt
Bankruptcy Judge

1

2

3

4

5

6

7

8

9

10

UNITED STATES BANKRUPTCY COURT

11

IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

12

In re:

No.: 20-00465-WLH11

13

HUSCH & HUSCH, INC.,

Chapter 11

14

Debtor.

CONCLUSIONS OF LAW

15

16 **THIS MATTER** came on for hearing on August 23, 2021 upon the issues raised by
17 Debtor's request to confirm Debtor's Fourth Amended Plan of Reorganization filed herein
18 on June 25, 2021 [ECF 340] (hereinafter "Plan" or "the Plan"), and the court having entered
19 its Findings of Fact, based upon the evidence produced, the court now makes the following:

20

CONCLUSIONS OF LAW

21

22 1. The Plan has been accepted in writing by the creditors and equity security
holders whose acceptance is required by law;

23

24 2. The provisions of Chapter 11 have been complied with, the Plan has been
proposed in good faith and not by means forbidden by law;

25

Conclusions of Law-1

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

1 3. (i) Each holder of a claim or interest has accepted the Plan or will receive or
2 retain under the Plan, property of a value, as of the effective date of the Plan, that is not less
3 than the amount that such holder would receive or retain if the Debtor was liquidated under
4 Chapter 7 of the Code on such date, or (ii) the Plan does not discriminate unfairly, and is fair
5 and equitable with respect to each class of claims or interest that are impaired under the
6 Plan and has not accepted the Plan;

7 4. All payments made or promised by the Debtor or by a person issuing
8 securities or acquiring property under the Plan or by any other person for services or for
9 costs and expenses in, or in connection with, the Plan and incident to the case, have been
10 fully disclosed to the court and are reasonable or, if to be fixed after confirmation of the Plan,
11 will be subject to approval of the court;

13 5. The identity of any insider that will be employed or retained by the Debtor and
14 their compensation has been fully disclosed;

15 6. (i) Confirmation of the Plan is not likely to be followed by the need for further
16 financial reorganization of the Debtor or (ii) if the Plan is a Plan of liquidation or partial
17 liquidation, the Plan sets a time period in which liquidation will be accomplished, and
18 provides for eventuality if the liquidation is not accomplished in that period;

20 7. Substantial consummation shall occur upon appointment of Liquidating Agent;

21 8. Creditors were given Notice of Confirmation and no objections thereto were
22 made, except by Heritage Bank ("Heritage") and Helena Agri-Enterprises, LLC ("Helena").
23 Both Helena and Heritage have either approved Plan confirmation and/or waived the
24 objections filed;

25 Conclusions of Law-2

SOUTHWELL & O'ROURKE, P.S.
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159

1 9. It is proper that the Plan be confirmed; and

2 10. It is proper that the "Amendment to Fourth Amended Plan of Reorganization"

3 filed herein on August 20, 2021, under ECF No. 407, be approved without further notice or

4 order of court.

5 //END OF ORDER//

6 PRESENTED BY:

7 SOUTHWELL & O'ROURKE, P.S.

8 BY: /s/ Dan O'Rourke

9 DAN O'ROURKE, WSBA #4911

10 Attorneys for Debtors

11 Conclusions of Law-3

12 13 14 15 16 17 18 19 20 21 22 23 24 25 **SOUTHWELL & O'ROURKE, P.S.**
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS AT LAW
SUITE 960, PAULSEN CENTER
WEST 421 RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201
TELEPHONE (509) 624-0159